

COMPLAINT

Plaintiff John Warren, by counsel, hereby asserts claims for relief against Defendant CRH Transportation, Inc. and Steven Stowers. In support hereof, the Plaintiff states and alleges:

1. At all times relevant herein, John Warren was domiciled in Vanderburgh County, Indiana.
 2. At all times relevant herein, CRH Transportation, Inc. was doing business in Vanderburgh County, Indiana.
 3. At all times relevant herein, Steven Stowers was an employee of CRH Transportation, Inc. and working within the scope of said employment.
 4. As a result of an employee-employer relationship, CRH Transportation, Inc. is liable, under the theory of *respondeat superior*, for the negligent acts or omissions of Steven Stowers.
 5. On May 12, 2020, John Warren was working at the Scooter World store.

6. On said date, Steven Stowers was a truck driver for CRH Transportation, Inc., delivering scooters to the Scooter World store at which John Warren was working.

7. On said date, while John Warren was attempting to help Steven Stowers unload a pallet of scooters off the truck, Steven Stowers negligently pushed the pallet with his pallet jack and caused the pallet to strike John Warren and knock him off the truck to the ground.

8. On May 12, 2020, Steven Stowers owed various duties, including but not limited to:

- a. a duty to unload the scooters in a reasonable manner;
- b. a duty to use reasonable care while unloading the scooters;
- c. a duty to keep a proper lookout while unloading the scooters; and
- d. a duty to exercise reasonable care for the safety of those assisting in unloading the scooters.

9. Steven Stowers knew of, or by the exercise of reasonable care should have discovered, the unsafe unload practice, and should have realized that it involved an unreasonable risk of harm to John Warren and others similarly situated.

10. Steven Stowers should have expected that John Warren would not discover or realize the unsafe loading practice, or would fail to protect himself against it.

11. On May 12, 2020, Steven Stowers negligently breached the duties that were owed. Steven Stowers' breaches include, but were not limited to, the following:

- a. failing to unload the scooters in a reasonable manner;
- b. failing to use reasonable care while unloading the scooters;
- c. failing to keep a proper lookout while unloading the scooters; and
- d. failing to exercise reasonable care for the safety of those assisting in unloading the scooters

12. Some or all of Steven Stowers' negligent acts or omissions were violations of ordinances, for which there was no excuse or justification, that were designed to protect the class of persons, in which John Warren was included, against the risk of harm which occurred as a result of the violations.

13. As a direct and proximate result of the negligence of Steven Stowers, John Warren:

- a. has sustained physical and emotional injuries, which might be permanent in nature and have affected the ability to function as a whole person;
- b. has sustained physical pain and mental suffering, and it is likely physical pain and mental suffering will be experienced in the future, as a result of the injuries;
- c. has incurred reasonable expenses for necessary medical care, treatment and services, and it is likely expenses for future medical care, treatment, and service will also be incurred;
- d. may have lost earnings, profits or income;

- e. may have lost or suffered an impairment of earning capacity;
- f. may have sustained bodily disfigurement or deformity; and
- g. may have been otherwise damaged and injured.

WHEREFORE, Plaintiff John Warren prays that the Court enters a judgment against Steven Stowers and for Plaintiff John Warren, in an amount sufficient to reasonably compensate Plaintiff John Warren for the damages incurred and injuries sustained, for costs, for a trial by jury on all issues in this cause, and all other just and proper relief in the premises.

Respectfully submitted,

CRAIG KELLEY & FAULTLESS LLC

/s/ Christopher M. Barry

Christopher M. Barry, #26254-49

/s/ Alexander R. Craig

Alexander R. Craig, #31273-49

Attorneys for Plaintiff:

CRAIG KELLEY & FAULTLESS LLC
5845 Lawton Loop East Drive
Indianapolis, IN 46216
(317) 545-1760
(317) 545-1794 (facsimile)

JURY TRIAL DEMAND

Plaintiff John Warren, by counsel, pursuant to Trial Rule 38 of the Indiana Rules of Procedure and the Constitution of the State of Indiana, hereby demands a trial by jury on all issues in this cause.

Respectfully submitted,

CRAIG KELLEY & FAULTLESS LLC

/s/ Christopher M. Barry
Christopher M. Barry, #26254-49

/s/ Alexander R. Craig
Alexander R. Craig, #31273-49

Attorneys for Plaintiff:

CRAIG KELLEY & FAULTLESS LLC
5845 Lawton Loop East Drive
Indianapolis, IN 46216
(317) 545-1760
(317) 545-1794 (facsimile)

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing is being filed using the Indiana E-Filing System and served upon the Defendant(s) with the Summons and Complaint.

/s/ Alexander R. Craig
Alexander R. Craig

STATE OF INDIANA) IN THE VANDERBURGH _____ COURT
) SS:
COUNTY OF VANDERBURGH) CAUSE NO. **82D07-2007-CT-002672**

JOHN WARREN,)
)
Plaintiff,)
)
v.)
)
CRH TRANSPORTATION, INC. and)
STEVEN STOWERS,)
)
Defendants.)

APPEARANCE OF ATTORNEY IN CIVIL CASE

1. The party on whose behalf this form is being filed is:

Initiating X Responding _____ Intervening _____; and

the undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

John Warren

2. Attorney information for service as required by Trial Rule 5(B)(2) and for case information required by Trial Rules 3.1 and 77(B):

David W. Craig, #4356-98
Scott A. Faultless, #15736-49
William J. Kelley, #16989-69
Christopher M. Barry, #26254-49
Alexander R. Craig, #31273-49
Samantha C. Craig Stevens, #32553-49
Whitney L. Coker, #32556-48
CRAIG KELLEY & FAULTLESS LLC
5845 Lawton Loop East Drive
Indianapolis, IN 46216
(317) 545-1760
(317) 545-1794 (facsimile)
ccrabtree@ckflaw.com (e-mail address)
anapier@ckflaw.com (e-mail address)

3. This is a CT case type as defined in Administrative Rule 8(B)(3).

4. We will accept service from other parties by:

Facsimile at the above noted number: Yes X No _____

Email at the above noted address: Yes X No _____

5. This case involves child support issues. Yes _____ No X _____

6. This case involves a protection from abuse order, a workplace violence restraining order, or a no – contact order. Yes _____ No X _____

7. This case involves a petition for involuntary commitment. Yes _____ No X _____

8. There are related cases: Yes _____ No X _____

9. Additional information required by local rule: None

10. There are other party members: Yes _____ No X _____

11. This form has been served on all other parties and Certificate of Service is attached: Yes X No _____

Respectfully submitted,

CRAIG KELLEY & FAULTLESS LLC

/s/ Christopher M. Barry

Christopher M. Barry, #26254-49

/s/ Alexander R. Craig

Alexander R. Craig, #31273-49

Attorneys for Plaintiff:

CRAIG KELLEY & FAULTLESS LLC

5845 Lawton Loop East Drive

Indianapolis, IN 46216

(317) 545-1760

(317) 545-1794 (facsimile)

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing is being filed using the Indiana E-Filing System and served upon the Defendant(s) with the Summons and Complaint.

/s/ Alexander R. Craig
Alexander R. Craig

SUMMONS

TO DEFENDANT: CRH Transportation, Inc.
c/o Joseph Rebman, Registered Agent
165 Meramec Avenue Suite 310
St. Louis, MO 63105

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above. The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

An answer or other appropriate response in writing to the Complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (and twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

7/7/2020

Date

Christopher M. Barry, #26254-49
Alexander R. Craig, #31273-49
CRAIG KELLEY & FAULTLESS LLC
5845 Lawton Loop East Drive
Indianapolis, IN 46216
(317) 545-1760

Clerk of the Vanderburgh County Courts

The following manner of service of Summons
is hereby designated:

- Registered or certified mail.
 Personal Service by Sheriff.
 Service upon Defendant at employer
 Service upon agent or other:



CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 20_____, I mailed a copy of this Summons and a copy of the Complaint to the Defendant _____, by Registered or Certified mail, requesting a return receipt at the address furnished by the Plaintiff.

Server's Signature: _____

Name & Title: _____

Server's Address: Craig, Kelley & Faultless, LLC
5848 Lawton Loop East Drive
Indianapolis, Indiana 46216

RETURN ON SERVICE OF SUMMONS BY MAIL

- (1) I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Complaint, _____, was accepted by the Defendant on the _____ day of _____, 20_____.
- (2) I hereby certify that the attached return receipt was received by me on the _____ day of _____, 20_____, showing that the Summons and a copy of the Complaint was returned and not accepted.
- (3) I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Complaint mailed to Defendant _____, was accepted by _____ (Age) _____ on behalf of the Defendant on the _____ day of _____, 20_____.

Server's Signature: _____

Name & Title: _____

Server's Address: Craig, Kelley & Faultless, LLC
5848 Lawton Loop East Drive
Indianapolis, Indiana 46216

RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served the within Summons:

- (1) By delivering a copy of the Summons and a copy of the Complaint to Defendant, _____ on the _____ day of _____, 20_____.
- (2) By leaving a copy of the Summons and a copy of the Complaint at _____ the dwelling place or usual place of abode of the Defendant _____, with a person of suitable age and discretion residing therein, namely _____ and by mailing a copy of the Summons to the Defendant by first class mail, to the address listed on the Summons, the last known address of the Defendant.

Sheriff of Vanderburgh County, Indiana

By: _____

SUMMONS

TO DEFENDANT: Steven Stowers
c/o CRH Transportation, Inc.
100 Marion Street
Saint Louis, MO 63104

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above. The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

An answer or other appropriate response in writing to the Complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (and twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

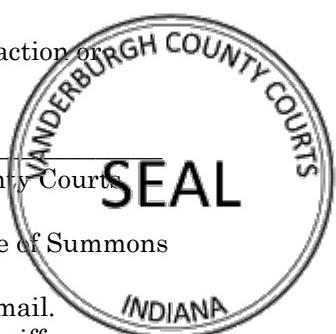
If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

7/7/2020

Date

/s/ Judy Beyer

Clerk of the Vanderburgh County Court



Christopher M. Barry, #26254-49
Alexander R. Craig, #31273-49
CRAIG KELLEY & FAULTLESS LLC
5845 Lawton Loop East Drive
Indianapolis, IN 46216
(317) 545-1760

CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 20_____, I mailed a copy of this Summons and a copy of the Complaint to the Defendant _____, by Registered or Certified mail, requesting a return receipt at the address furnished by the Plaintiff.

Server's Signature: _____

Name & Title: _____

Server's Address: Craig, Kelley & Faultless, LLC
5848 Lawton Loop East Drive
Indianapolis, Indiana 46216

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- (2) I hereby certify that the attached return receipt was received by me on the _____ day of _____, 20_____, showing that the Summons and a copy of the Complaint was returned and not accepted.
- (3) I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Complaint mailed to Defendant _____, was accepted by _____ (Age) _____ on behalf of the Defendant on the _____ day of _____, 20_____.

Server's Signature: _____

Name & Title: _____

Server's Address: Craig, Kelley & Faultless, LLC
5848 Lawton Loop East Drive
Indianapolis, Indiana 46216

RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served the within Summons:

- (1) By delivering a copy of the Summons and a copy of the Complaint to Defendant, _____ on the _____ day of _____, 20_____.
- (2) By leaving a copy of the Summons and a copy of the Complaint at _____ the dwelling place or usual place of abode of the Defendant _____, with a person of suitable age and discretion residing therein, namely _____ and by mailing a copy of the Summons to the Defendant by first class mail, to the address listed on the Summons, the last known address of the Defendant.

Sheriff of Vanderburgh County, Indiana

By: _____

STATE OF INDIANA)
) SS: VANDERBURGH SUPERIOR COURT 7
COUNTY OF VANDERBURGH)

JOHN WARREN,)
)
Plaintiff,)
v.)
) Cause No. 82D07-2007-CT-002672
CRH TRANSPORTATION, INC. and)
STEVEN STOWERS,)
)
Defendants.)

APPEARANCE BY ATTORNEY IN CIVIL CASE

This Appearance Form must be filed on behalf of every party in a civil case.

1. The party on whose behalf this form is being filed is:

Initiating Responding Intervening ; and

the undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

Name of parties:

**CRH TRANSPORTATION, INC. and
STEVEN STOWERS**

2. Attorney information for service as required by Trial Rule 5(B)(2)

Name: James D. Johnson
Atty Number: 11984-49
Address: 221 N.W. Fifth Street
P.O. Box 1507, Evansville, Indiana 47706
Phone: 812-422-9444
FAX: 812-421-7459
E-mail Address: jdjohnson@jacksonkelly.com

3. This is a CT case type as defined in administrative Rule 8(B)(3).
4. I will accept service by FAX at the above noted number: Yes No
5. This case involves child support issues. Yes No
6. This case involves a protection from abuse order, a workplace violence restraining order, or a no - contact order. Yes No

7. This case involves a petition for involuntary commitment. Yes No X
8. If Yes above, provide the following regarding the individual subject to the petition for involuntary commitment:
 - a. Name of the individual subject to the petition for involuntary commitment if it is not already provided in #1 above: _____
 - b. State of Residence of person subject to petition: _____
 - c. At least one of the following pieces of identifying information:
 - (i) Date of Birth _____
 - (ii) Driver's License Number _____
State where issued _____ Expiration date _____
 - (iii) State ID number _____
State where issued _____ Expiration date _____
 - (iv) FBI number _____
 - (v) Indiana Department of Corrections Number _____
 - (vi) Social Security Number is available and is being provided in an attached confidential document _____
9. There are related cases: Yes No X (*If yes, list on continuation page.*)
10. Additional information required by local rule: _____
11. There are other party members: Yes No X
12. This form has been served on all other parties and Certificate of Service is attached:
Yes X No

/s/ James D. Johnson
James D. Johnson
(Attorney information shown above.)

CERTIFICATE OF SERVICE & TRIAL RULE 5(G) COMPLIANCE

I hereby certify that on July 13, 2020, the foregoing document was electronically filed using the Court's E-Filing System (EFS) and that a copy was served upon the following counsel of record via EFS:

Christopher M. Barry, cbarry@ckflaw.com
Alexander R. Craig, acraig@ckflaw.com
CRAIG KELLEY & FAULTLESS LLC
Counsel for Plaintiff

I further certify that the foregoing complies with the requirements of Trial Rule 5(G) with regard to information excluded from the public record under Ind. Access to Court Records Rule 5.

/s/ James D. Johnson

STATE OF INDIANA)
) SS: VANDERBURGH SUPERIOR COURT 7
COUNTY OF VANDERBURGH)

JOHN WARREN,)
)
Plaintiff,)
)
v.) Cause No. 82D07-2007-CT-002672
CRH TRANSPORTATION, INC. and)
STEVEN STOWERS,)
)
Defendants.)

NOTICE OF AUTOMATIC EXTENSION OF TIME

Come now Defendants, CRH Transportation, Inc. and Steven Stowers (collectively "Defendants"), by counsel, Jackson Kelly PLLC, and pursuant to Vanderburgh County Rule 1.13, hereby notify all counsel of record that Defendants extend the time to plead or otherwise respond to Plaintiff, John Warren's Complaint, which is currently due July 28, 2020, by an additional thirty (30) days, up to and including August 27, 2020.

Dated: July 13, 2020

Respectfully submitted,

JACKSON KELLY PLLC

/s/ James D. Johnson
James D. Johnson, #11984-49
221 N.W. Fifth Street, P.O. Box 1507
Evansville, Indiana 47706-1507
Telephone: 812-422-9444
Facsimile: 812-421-7459
E-mail: jdjohnson@jacksonkelly.com
Counsel for Defendants

CERTIFICATE OF SERVICE & TRIAL RULE 5(G) COMPLIANCE

I hereby certify that on July 13, 2020, the foregoing document was electronically filed using the Court's E-Filing System (EFS) and that a copy was served upon the following counsel of record via EFS:

Christopher M. Barry, cbarry@ckflaw.com
Alexander R. Craig, acraig@ckflaw.com
CRAIG KELLEY & FAULTLESS LLC
Counsel for Plaintiff

I further certify that the foregoing complies with the requirements of Trial Rule 5(G) with regard to information excluded from the public record under Ind. Access to Court Records Rule 5.

/s/ James D. Johnson